

**JAMMU AND KASHMIR STATE WATER RESOURCES REGULATORY
AUTHORITY**

NOTIFICATION

NO: 09 /JKSWRRA/2013, JAMMU

Dated: 22nd April 2013

In exercise of the powers conferred under sections 105 (6) & 198(1) of the J&K Water Resources (Regulation and Management) Act, 2010 (Act No XXI of 2010) and all enabling provisions in that behalf, the J & K State Water Resources Regulatory Authority, hereby makes the following Regulations, namely:-

CHAPTER – I

1. Short title, commencement and interpretation-(1) These Regulations may be called the J & K State Water Resources Regulatory Authority (Fees & other charges to be paid by a licensee for periodical inspection of a unit and for carrying out any special works) Regulations, 2013.
(2) These Regulations shall come into force from the date of their publication in the Government Gazette.
2. Definitions- (1) In these Regulations unless the context otherwise requires-
 - (a) ‘Act’ means the Jammu and Kashmir Water Resources (Regulation & Management) Act 2010 (Act No XXI of 2010);
 - (b) ‘Authority’ means the J & K State Water Resources Regulatory Authority, established under the Act;
 - (c) ‘Chairperson’ means the Chairperson of the Authority;
 - (d) ‘Government’ means the Government of Jammu and Kashmir;
 - (e) ‘Member’ means a Member of the Authority;
 - (f) ‘Officer’ means an officer of the Authority;
 - (g) “Prescribed authority” means
 - (i) in relation to drinking water supply and ground water extraction for drinking purposes, the Chief Engineer concerned in charge Public Health Engineering Department ; and

(ii) in relation to irrigation, flood control and embankments and ground water extraction for irrigation purposes, the Chief Engineer concerned in charge Irrigation and Flood Control Department.

(h) 'Secretary' means the Secretary of the Authority

(i) "Water" means the natural resource flowing in any river, stream, tributary, canal, nallah or any other natural course of water or situated upon the surface of any land like a lake, pond, lagoon, swamp, spring or ground water but does not include fish;

(2) Words or expressions occurring in these Regulations and not defined herein but defined in the Act or in the J & K State Water Resources Regulatory Authority, (Conduct of Business) Regulations, 2013 shall bear the same meaning as in the Act or in the J & K State Water Resources Regulatory Authority (Conduct of Business) Regulations, 2013.

CHAPTER – 2

FEES & OTHER CHARGES TO BE PAID BY A LICENSEE FOR PERIODICAL INSPECTION OF A UNIT AND FOR CARRYING OUT ANY SPECIAL WORKS

3. The object of these Regulations is to fix the fees and other charges to be paid by the licensee for performing the following activities:-

A. For safety and control Provisions:

- (a) periodical inspection of the unit by the licensing authority or any other officer or expert empowered in this behalf;
- (b) any other activity performed or caused to be performed by the licensing authority under this section in relation to the unit of the licensee.

B. Special works:

For undertaking any special works for the establishment of a unit for usage of water which may include the following:

- (a) diversion of a water course;
- (b) reclamation of watercourse, lake or swamp land or a part thereof;
- (c) works associated with a mining development or mining operations; or
- (d) any other work connected with or necessary for installation of the unit by a licensee.

4. These Regulations shall come into force from the date of notification in the Government Gazette.

5. These Regulations shall apply to all the licensees who operate a unit requiring usage of water as per section 91 of the Act for arranging periodical inspection of the unit or for undertaking any special work on the unit.

6. For safety measures, the licensing authority may, by notice in writing given to the licensee require him to:-

- (a) Cause periodic inspection carried out by an expert of the water usage unit to the satisfaction of the licensing authority.
 - (b) Cause to be carried out by an expert having experience in the design and construction of such units or works a review of the design, construction and operating procedures of the water usage unit and furnish a report of the same to the licensing authority;
 - (c) Carry out such repairs or take such measures as specified in the notice to ensure the safety of the unit and the protection of life and property that is likely to be endangered by an uncontrolled release of water or hazardous waste likely to be generated by the collapse or failure of the unit.
7. The licensing authority shall prescribe the procedure and specify periodic intervals for carrying out the inspection by an expert. The licensee shall be required to have the same conducted at his/ her own cost and also submit a copy of the report of the expert to the licensing authority along with a fee of Rs. 1000/-. He/ she shall also be responsible for carrying out all such repairs or other measures as may be specified by the licensing authority on the basis of the report of the expert at his/ her own cost, and to the full satisfaction of the licensing authority.
8. The licensing authority shall furnish the copy of the notice as well as the measures specified by it for ensuring the safety of the unit and protection of life and property to the authority for information and record.
9. For special works required for establishment of a unit for usage of water, the licensing authority may, if it considers it necessary or on the request of a licensee, permit the licensee to undertake certain special works which may include the following:
- (a) diversion of a water course;
 - (b) reclamation of a watercourse, lake or swamp land or a part thereof;
 - (c) works associated with a mining development or mining operations; or
 - (d) any other work connected with or necessary for installation of the unit by a licensee.
10. For the purpose of special works in the regulation 9 above, the licensee may apply to the licensing authority for obtaining permission for undertaking any such special work justifying the necessity and relation of such work with respect to the approved unit, along with detailed description in regard to:-
- (a) The lawful ownership and possession of the land proposed to be used or operated;
 - (b) Land to be acquired for use or operation;
 - (c) Easements to be acquired, in connection with the proposed works;
 - (d) The person to be benefitted or likely to be affected by execution of such special works; and
 - (e) Any other information as may be required by the licensing authority.
11. The application shall be accompanied by appropriate plans, drawings and specification containing information in regard to the execution of special works. The application shall also be accompanied by a fee of Rs. 1000/ payable to licensing authority.

12. The licensee shall undertake the work only after the permission is granted by the licensing authority as per the provisions of the Act.
13. Power to Amend:
The Authority may, at any time, vary, alter, modify or amend any provision of these Regulations.
14. Power to remove difficulties:
If any difficulty arises in giving effect to the provisions of these Regulations, the Authority may, by general or specific order, make such provisions not inconsistent with the provisions of the Act, as may appear to be necessary for removing the difficulty.

By order of the Authority

**Sd/-
Secretary**